

AFFIDAVIT

Your Affiant, Gerrod L. Briggs, deposes and states:

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and have been so employed since March 2015. I was previously employed as an Explosive Ordnance Disposal Technician in the United States Army beginning in November 2010. I have attended formal training in the United States Naval School for Explosive Ordnance Disposal, the Federal Law Enforcement Training Center, and the ATF National Academy in Glynco, Georgia. I have received training in the enforcement of the various criminal statutes enacted in the Gun Control Act of 1968 and in the National Firearms Act of 1934. I am presently assigned as a Special Agent for the ATF Columbus Field Division’s Cleveland Group II. As an ATF SA, I have participated in numerous federal and state investigations involving the sale, possession, and trafficking of firearms and controlled substances. Through my participation in these investigations, I have debriefed numerous defendants, confidential informants, cooperating sources, and witnesses with personal knowledge regarding firearms or narcotics trafficking. I have also participated in undercover operations, conducted physical and electronic surveillance, managed informants and cooperating sources, seized evidence and contraband, executed search warrants, and arrested defendants.

PROBABLE CAUSE

November 30, 2017 – 4071 Lee Road, Cleveland, Ohio

2. On November 30, 2017, Philroy JOHNSON was arrested by the Cleveland Police Department’s (CPD) Gang Impact Unit (GIU) near 4071 Lee Road, Cleveland, Ohio.

GIU Detective Robinson received information from a source that JOHNSON, who had active arrest warrants, was in the area of Lee Road and Harvard Avenue at a bar called “King of Diamonds.” JOHNSON was known to work security at this location and known to often carry a firearm while working there. Johnson was also known to be driving a red vehicle possibly a Pontiac or Hyundai.

3. On November 30, 2017, Detectives Robinson and Appling responded to the area of “King of Diamonds” in an undercover vehicle to conduct surveillance in hopes of finding JOHNSON. A short time after arriving at the location, a vehicle fitting the description of JOHNSON’s vehicle arrived at the location. Detectives observed the vehicle remain in the parking lot for a short period with its lights on and no occupants exited the vehicle. Detectives then observed the vehicle exit the parking lot and head south on Lee Road.
4. Other GIU Detectives were waiting in the area and observed the vehicle begin to head south on Lee Road and make a quick turn onto Lotus Drive and head east. GIU Detectives followed the vehicle, a red Pontiac Grand Prix (OH License Plate #F309362), to attempt to identify the driver of the vehicle. The vehicle pulled into a liquor store located at 4071 Lee Road, and a male exited the vehicle and entered the store. Detectives entered the store and identified the male as Philroy JOHNSON. JOHNSON was taken into custody without incident by the Detectives.
5. Following his arrest, Detectives asked JOHNSON if he had anything on his person. JOHNSON replied that he had a firearm in his front waistband. GIU Detectives retrieved a Smith & Wesson, Model M & P, .40 caliber pistol, with an obliterated serial number. The firearm was loaded with 16 rounds of .40 caliber ammunition. JOHNSON was also found to be in possession of a black folding knife, a plastic bag containing approximately

2.11 grams of cocaine, a plastic bag containing approximately 1.13 grams of marijuana, an iPhone, and \$460.00 in US Currency.

6. Following his arrest, JOHNSON was interviewed by Detectives in a recorded interview room. Detectives read JOHNSON his constitutional rights to which he stated he understood. JOHNSON explained to detectives he came into possession of this firearm about two days after he got out of jail from his last Carrying Concealed Weapons arrest on July 11, 2017. JOHNSON stated he purchased the firearm from a friend for approximately One Hundred and Fifty dollars. During the interview JOHNSON was asked why the serial number on the firearm was scratched off. JOHNSON stated he was unaware the serial number had been obliterated or scratched off.
7. During the interview JOHNSON also admitted to carrying the firearm for protection and admitted to selling drugs to make money.

INTERSTATE NEXUS DETERMINATION

8. Your affiant is a qualified ATF Interstate Nexus Expert and on October 17, 2017, determined that the firearm, a Smith & Wesson, Model M & P, .40 caliber pistol bearing an obliterated serial number, was not manufactured within the state of recovery, thus having traveled in interstate commerce to be found in the state of Ohio.

CONCLUSION

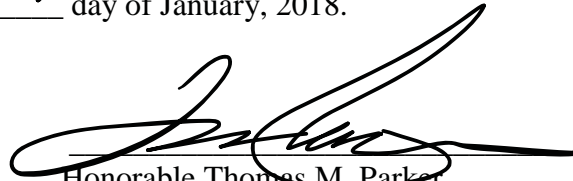
9. Based upon the above listed facts and circumstances, your Affiant believes and asserts that there is probable cause to believe that on November 30, 2017, Philroy JOHNSON did knowingly possess a firearm from which the manufacturer's serial number had been removed, altered and obliterated, that had at any time been transported or shipped in

interstate commerce, in violation of Title 18, United States Code, Section 922(k). The above violations were committed in the Northern District of Ohio, Eastern Division.



Gerrod Briggs, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 12th day of January, 2018.



Honorable Thomas M. Parker
United States Magistrate Judge
Northern District of Ohio
Eastern Division